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T-301 P.001/004 F-861

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FORMAL

IN RE APPLICATION NUMBER: 09/859,661 Reissue of U.S. Pat. No.
5,905,974

TRANSMITTAL COVER LETTER FOR FACSIMILE TRANSMISSION

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Attention: S.P.E. Eric Stamber

FACSIMILE NUMBER: 703-872-9306

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TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 4

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PATENTS
CF-007R

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

REISSUE PATENT APPLICATION

Reissue : Stuart A. Fraser et al.
Applicants/Appellants
Application No. : 09/859,661 Confirmation No. 3933
Filed : May 17, 2001
For Reissue of : 5,905,974
Patent No.
Issued : May 18, 1999
For : AUTOMATED AUCTION PROTOCOL PROCESSOR
Examiner : James W. Mhyre
Group Art Unit : 3622

New York, New York 10020
October 25, 2004

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION UNDER 37 C.F.R. §§ 41.41(c) AND 1.136(b)
FOR EXTENSION OF TIME

Sir:

The Examiner's Answer of January 7, 2005 in the
above-captioned patent application set a two-month shortened
statutory period for filing a Reply under 37 C.F.R.
§ 41.41(a)(1), making the due date for filing the Reply Brief
March 7, 2005. For the reasons set forth below,

applicants/appellants respectfully petition for a one-month extension of that period to make the due date April 7, 2005.

On February 21, 2005, a verdict was rendered by the jury in the U.S. District Court for the District of Delaware in the litigation styled eSpeed, Inc. et al. v. BrokerTec USA, L.L.C. et al., D. Del., Civil Action No. 03-612(KAJ), concerning U.S. Patent No. 6,560,580 which issued from a continuation application of the patent in reissue. In order to comply with their duty of disclosure under 37 C.F.R. § 1.56 and MPEP 2001.06(c), applicants/appellants plan to submit an Information Disclosure Statement that will at least disclose the particulars of the verdict. There has been insufficient time between the rendering of the verdict and the current due date for the Reply Brief to prepare the Information Disclosure statement. Applicants/appellants believe that the Information Disclosure Statement should be considered along with the Reply Brief. Accordingly, applicants/appellants require an additional month to prepare the Information Disclosure Statement for submission with the Reply Brief.

In a telephone conference today, March 3, 2005, between the undersigned and Eric Stamber, S.P.E. of Art Unit 3622, S.P.E. Stamber agreed to extend the due date for the Reply Brief for one month until April 7, 2005.

Today, March 3, 2005, before the March 7, 2005 due date, applicants/appellants file this request by facsimile transmission under 37 C.F.R. § 1.136(b) for extension-of-time to request a one-month extension-of-time, to April 7, 2005. Applicants/appellants anticipate a prompt and favorable response to this petition for extension-of-time.

Respectfully submitted,



Joel Weiss

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